
By: **Senators Lawlah, Kasemeyer, McFadden, Middleton, and Ruben**

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Assigned to: Finance

Committee Report: Favorable with amendments

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CHAPTER _____

1 AN ACT concerning

2 **Juvenile Delinquency Prevention and Diversion Programs**

3 FOR the purpose of establishing the Subcabinet Coordinating Council on Juvenile
 4 Delinquency Prevention and Diversion Programs in the Office for Children,
 5 Youth, and Families; providing for the membership of the Subcabinet
 6 Coordinating Council; specifying that the Special Secretary for Children, Youth,
 7 and Families is the chair of the Subcabinet Coordinating Council; requiring the
 8 Office for Children, Youth, and Families to provide staff support for the
 9 Subcabinet Coordinating Council; establishing the purposes and duties of the
 10 Subcabinet Coordinating Council; specifying the requirements for juvenile
 11 delinquency prevention and diversion programs; specifying the duties of a local
 12 management board; specifying the duties of a local planning group; specifying
 13 the membership of a local planning group; establishing the Juvenile
 14 Delinquency Prevention and Diversion Program Fund; specifying the purpose of
 15 the Fund; requiring the Special Secretary to administer the Fund; specifying
 16 that the Fund is a special, nonlapsing fund; requiring the Treasurer to hold and
 17 the Comptroller to account for the Fund; specifying the contents of the Fund;
 18 requiring that the Fund be used only for certain purposes; requiring the
 19 Treasurer to invest the money of the Fund in a certain manner; requiring any
 20 investment earnings of the Fund to be credited to the General Fund of the State;
 21 defining certain terms; requiring the Subcabinet Coordinating Council to report
 22 to the General Assembly by a certain date each year; requiring the Subcabinet
 23 Coordinating Council to develop and issue the first request for proposals by a
 24 certain date; ~~requiring the Governor to appropriate certain funds to implement~~
 25 ~~this Act~~; and generally relating to juvenile delinquency prevention and diversion
 26 programs.

27 BY adding to

1 Article 49D - Office for Children, Youth, and Families
2 Section 51 through 54, inclusive, to be under the new subtitle "Juvenile
3 Delinquency Prevention and Diversion Programs"
4 Annotated Code of Maryland
5 (2003 Replacement Volume and 2004 Supplement)

6 Preamble

7 WHEREAS, In fiscal year 2003, 53,502 referrals of delinquent youth were made
8 to the Department of Juvenile Services; and

9 WHEREAS, The Department of Juvenile Services reported in its December 2004
10 Gap Analysis that "the most effective way to fight juvenile crime is to combine
11 vigorous delinquency prevention programs with a comprehensive system of graduated
12 responses"; and

13 WHEREAS, The experts hired to assist the Department of Juvenile Services in
14 developing a plan for transforming Maryland's juvenile justice system recommended
15 that the Department should reduce its reliance on expensive per diem placements,
16 and, to the extent practicable, begin to increase the Funds available to enhance and
17 create community-based, non-residential services; and

18 WHEREAS, The Gap Analysis has documented the State's lack of adequate
19 prevention and diversion services and instead decries the fact that Maryland relies
20 heavily on secure confinement and probation services; and

21 WHEREAS, The vast majority of youth are incarcerated for nonviolent offenses
22 on which the State spends extremely too much money; and

23 WHEREAS, More effective use of these Funds would be made in programs that
24 provide prevention and diversion services to youth and an alternative to
25 incarceration; and

26 WHEREAS, The Subcabinet for Children, Youth, and Families and local
27 management boards have the infrastructure and mandate to plan for a continuum of
28 care and services that is family- and child-oriented and emphasizes prevention, early
29 intervention, and community-based services; now, therefore,

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
31 MARYLAND, That the Laws of Maryland read as follows:

32 **Article 49D - Office for Children, Youth, and Families**

33 **JUVENILE DELINQUENCY PREVENTION AND DIVERSION PROGRAMS**

34 51.

35 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
36 INDICATED.

1 (B) "JUVENILE DELINQUENCY PREVENTION AND DIVERSION PROGRAM"
2 MEANS THE SERVICES PROVIDED TO SCHOOL-AGED YOUTH AND THEIR FAMILIES TO
3 PREVENT OR DIVERT YOUTH FROM ENTERING THE JUVENILE JUSTICE SYSTEM.

4 (C) "SUBCABINET COORDINATING COUNCIL" MEANS THE SUBCABINET
5 COORDINATING COUNCIL ON JUVENILE DELINQUENCY PREVENTION AND
6 DIVERSION PROGRAMS.

7 52.

8 (A) THERE IS A SUBCABINET COORDINATING COUNCIL ON JUVENILE
9 DELINQUENCY PREVENTION AND DIVERSION PROGRAMS IN THE OFFICE FOR
10 CHILDREN, YOUTH, AND FAMILIES.

11 (B) THE SUBCABINET COORDINATING COUNCIL CONSISTS OF THE
12 FOLLOWING MEMBERS:

13 (1) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES;

14 (2) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S
15 DESIGNEE;

16 (3) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S
17 DESIGNEE;

18 (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
19 SECRETARY'S DESIGNEE;

20 (5) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE
21 SUPERINTENDENT'S DESIGNEE; AND

22 (6) THE EXECUTIVE DIRECTOR OF THE OFFICE OF CRIME CONTROL AND
23 PREVENTION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

24 (C) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES SHALL
25 BE THE CHAIR OF THE SUBCABINET COORDINATING COUNCIL.

26 (D) THE OFFICE FOR CHILDREN, YOUTH, AND FAMILIES SHALL PROVIDE
27 STAFF SUPPORT FOR THE SUBCABINET COORDINATING COUNCIL.

28 (E) THE PURPOSE OF THE SUBCABINET COORDINATING COUNCIL IS TO:

29 (1) BUILD CAPACITY TO SERVE YOUTH IN THEIR COMMUNITIES AND AT
30 HOME;

31 (2) REDUCE RELIANCE ON INSTITUTIONS AS THE PRIMARY MODE OF
32 INTERVENTION FOR JUVENILE OFFENDERS;

33 (3) PROMOTE POSITIVE OUTCOMES FOR COURT-INVOLVED YOUTH; AND

1 (4) FUND PRACTICES THAT PREVENT JUVENILE CRIME AND
2 DELINQUENCY.

3 (F) THE SUBCABINET COORDINATING COUNCIL SHALL:

4 (1) SET STANDARDS FOR JUVENILE DELINQUENCY PREVENTION AND
5 DIVERSION PROGRAMS;

6 (2) DEVELOP REQUESTS FOR PROPOSALS FOR JUVENILE DELINQUENCY
7 PREVENTION AND DIVERSION PROGRAMS; AND

8 (3) AWARD GRANTS TO SELECTED JURISDICTIONS TO ESTABLISH
9 JUVENILE DELINQUENCY PREVENTION AND DIVERSION PROGRAMS.

10 53.

11 (A) JUVENILE DELINQUENCY PREVENTION AND DIVERSION PROGRAMS
12 SHALL BE:

13 (1) COMMUNITY-BASED;

14 (2) ~~NON RESIDENTIAL~~ NONRESIDENTIAL;

15 (3) LOCATED IN AREAS OF THE STATE WITH THE GREATEST NEED; AND

16 (4) COORDINATED, MONITORED, AND SUPPORTED BY LOCAL
17 MANAGEMENT BOARDS.

18 (B) (1) A LOCAL MANAGEMENT BOARD SHALL APPLY TO THE SUBCABINET
19 COORDINATING COUNCIL FOR LOCAL JUVENILE DELINQUENCY PREVENTION AND
20 DIVERSION PROGRAM FUNDS.

21 (2) BEFORE SUBMITTING AN APPLICATION TO THE SUBCABINET
22 COORDINATING COUNCIL, THE LOCAL MANAGEMENT BOARD SHALL CONVENE A
23 LOCAL PLANNING GROUP.

24 (C) THE LOCAL PLANNING GROUP SHALL CONSIST OF:

25 (1) REPRESENTATIVES FROM:

26 (I) THE JUVENILE COURT;

27 (II) THE COUNTY BOARD OF EDUCATION;

28 (III) THE LOCAL LAW ENFORCEMENT AGENCY;

29 (IV) THE FAITH COMMUNITY;

30 (V) THE LOCAL HEALTH DEPARTMENT;

31 (VI) A LOCAL PUBLIC MENTAL HEALTH AGENCY;

- 1 (VII) A LOCAL PUBLIC SUBSTANCE ABUSE AGENCY; AND
- 2 (VIII) THE LOCAL DEPARTMENT OF SOCIAL SERVICES;
- 3 (2) PUBLIC AND PRIVATE SERVICE PROVIDERS;
- 4 (3) YOUTH ADVOCATES;
- 5 (4) PARENTS;
- 6 (5) YOUTH; AND
- 7 (6) OTHER APPROPRIATE REPRESENTATIVES, AS DETERMINED BY THE
- 8 LOCAL MANAGEMENT BOARD.

9 (D) THE LOCAL PLANNING GROUP SHALL:

10 (1) ASSESS THE ADEQUACY, AVAILABILITY, AND ACCESSIBILITY OF

11 CURRENT COMMUNITY-BASED SERVICES THAT:

12 (I) PREVENT AND DIVERT ENTRY AND RE-ENTRY INTO THE

13 JUVENILE SYSTEM;

14 (II) PROVIDE ALTERNATIVES TO INCARCERATION AND

15 INSTITUTIONALIZATION;

16 (III) PREVENT AND DIVERT CRIMINAL BEHAVIOR; AND

17 (IV) INCREASE PERSONAL RESPONSIBILITY AND

18 SELF-SUFFICIENCY;

19 (2) IDENTIFY UNSERVED NEIGHBORHOODS OR COMMUNITIES WITH

20 CRITICAL NEEDS AND SIGNIFICANT NUMBERS OF AT-RISK OR DELINQUENT YOUTH;

21 AND

22 (3) RECOMMEND PROGRAMS THAT CAN BE ESTABLISHED OR

23 ENHANCED TO ADDRESS THE UNMET NEEDS OF YOUTH AND THEIR FAMILIES.

24 (E) THE LOCAL MANAGEMENT BOARD SHALL:

25 (1) DEVELOP A REQUEST FOR FUNDS BASED ON THE

26 RECOMMENDATIONS OF THE LOCAL PLANNING GROUP;

27 (2) AWARD FUNDS TO LOCAL AGENCIES OR ORGANIZATIONS TO

28 PROVIDE DIRECT SERVICES;

29 (3) MONITOR AND EVALUATE JUVENILE DELINQUENCY PREVENTION

30 AND DIVERSION PROGRAM PERFORMANCE;

31 (4) PROVIDE TECHNICAL ASSISTANCE TO JUVENILE DELINQUENCY

32 PREVENTION AND DIVERSION PROGRAMS AS NEEDED;

1 (5) PROMOTE COST-EFFECTIVENESS STRATEGIES;

2 (6) MEASURE JUVENILE DELINQUENCY PREVENTION AND DIVERSION
3 PROGRAM OUTCOMES; AND

4 (7) PROVIDE QUARTERLY REPORTS TO THE OFFICE FOR CHILDREN,
5 YOUTH, AND FAMILIES.

6 54.

7 (A) IN THIS SECTION, "FUND" MEANS THE JUVENILE DELINQUENCY
8 PREVENTION AND DIVERSION PROGRAM FUND.

9 (B) THERE IS A JUVENILE DELINQUENCY PREVENTION AND DIVERSION
10 PROGRAM FUND.

11 (C) THE PURPOSE OF THE FUND IS TO SUPPORT JUVENILE DELINQUENCY
12 PREVENTION AND DIVERSION PROGRAMS.

13 (D) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES SHALL
14 ADMINISTER THE FUND.

15 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
16 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

17 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE
18 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

19 (F) THE FUND CONSISTS OF:

20 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

21 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
22 BENEFIT OF THE FUND.

23 (G) THE FUND MAY BE USED ONLY TO SUPPORT JUVENILE DELINQUENCY
24 PREVENTION AND DIVERSION PROGRAMS.

25 (H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE
26 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

27 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO
28 THE GENERAL FUND OF THE STATE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Subcabinet
30 Coordinating Council shall report to the General Assembly on or before December 31
31 of each year, in accordance with § 2-1246 of the State Government Article, on the
32 implementation and effectiveness of juvenile delinquency prevention and diversion
33 programs.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the Subcabinet
2 Coordinating Council shall develop and issue the first request for proposals by
3 January 1, 2006.

4 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the Governor shall~~
5 ~~include \$10,000,000 in the fiscal year 2007 budget and \$20,000,000 in the fiscal year~~
6 ~~2008 budget to implement this Act.~~

7 SECTION ~~5.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect July 1, 2005.